

### **REMARKS / ARGUMENTS**

In the above-identified Office Action the Examiner has rejected claims 22-27 and 39 as failing to comply with the written description requirement. The Examiner has objected to the inclusion of the term "completely". By the above-amendments, Applicant has deleted this term from Claim 22 and has adopted the Examiner's suggested language that the sleeve may be "maintained at a standardized distance." As such, Applicant believes Claim 22 to now be acceptable under 35 U.S.C. § 112.

As now claimed, the phosphorescent light cover of the subject invention has an exterior sleeve that is cylindrical and encompasses substantially the full length of fluorescent globe; the sleeve is maintained at a standardized distance from the globe and the end piece comprises a neck that in use friction fits about a contact ended fluorescent globe.

The Examiner has rejected claims 22- 27 and 39 as unpatentable over Baillie et al in view of Vakil. The Examiner has stated that it would have been obvious to provide a sleeve encompassing a light tube as taught by Baillie et al. which employs friction fit end pieces such as taught by Vakil to allow the connection pins of the light tube of Baillie et al. to penetrate to allow connection to a socket as taught by Baillie et al. so as to enable the application of a sleeve which can encompass up to the entire tube to a light tube by providing an opening in the sleeve and end pieces for completely encompassing the tube once the tube has been inserted into the sleeve. Applicant disagrees with the Examiner's analysis and notes that the patent to Stob has a completely different purpose to that of the subject invention.

Stob teaches a fluorescent light globe cover that provides protection against breakage and containment of glass in the case of breakage, provides means (a

diffusing lens) for diffusing light onto a work surface and provides a reflector to ensure light is directed from the back of the tube and can be focused onto a work surface by free rotation of the sleeve about the fluorescent tube. This free rotation of the sleeve about the tube is an important distinction between the invention disclosed in Stob and the present invention.

Although the Stob patent discloses the presence of end caps that engage with the sleeve there is no disclosure or suggestion within the document that such end caps should include a narrowed neck that would also engage or friction fit with a contact end of the fluorescent tube. Indeed, Stob teaches away from such an arrangement in order to allow free rotation of the sleeve about the fluorescent tube.

As a result, a skilled person would have no motivation to combine the teachings of Stob with those of Baillie which discloses a luminescent light cover. However, even if the teachings of Stob and Baillie were combined it would not result in the subject invention nor would be obvious to a skilled person to adopt the arrangement claimed within the proposed amended claims wherein there is both a friction fit between the end cap and the sleeve and between a narrowed neck of the end cap and a contact end of the fluorescent tube. Such an arrangement would prevent the free rotation of the sleeve about the fluorescent tube as is necessary according to the teaching of Stob. However, even if Baillie and Stob were combined, a friction fit with the contact end of the fluorescent tube would still be missing.

The Examiner has rejected claims 22-27 and 39 as unpatentable over Baillie et al. in view of Vakil and Applicant assumes the Examiner meant to state in view of Stob. The Examiner has stated the friction fit end pieces provide a means to use the frictional attachment of the end cap to secure the sleeve upon the light fixture and that Stob provides the equidistant spacing at the sleeve from the fluorescent light. As stated above, one skilled in the art would not have motivation to combine Stob with either Vakil

or Baillie et al. because Stob requires free rotation of the sleeve about the fluorescent tube and thus, since there is no sleeve taught in Baillie et al. or Vakil, the equidistant spacing of the sleeve is meaningless in both Baillie et al. and Vakil. Neither require a sleeve for its operation and its addition to the apparatus disclosed in each would thus be meaningless.

The Examiner has also cited Vakil for its friction fit arrangement. Vakil friction fits a plug within a receptacle and does not friction fit the end cap with an end of the sleeve. Vakil does not have a sleeve so, again, the teaching of Vakil is meaningless, at least in that regard, to the subject invention as now claimed.

Applicant has noted that the Notice of References cited (PTO-892) is blank and requests that the Examiner issue a new form filled in with the new references cited so that such may be officially of record as being considered by the Examiner. Applicant believes that this includes the patent to Stob and that to Cicarelli.

Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below listed number.

Application No. 10/516,965  
Amdt. dated 27 February 2009  
Reply to Office Action of 3 February 2009

Respectfully submitted,



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